

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:21-cr-20085-01

v.

Honorable Thomas L. Ludington
United States District Judge

KYLE ROBERT HENEY,

Defendant.

Honorable Patricia T. Morris
United States Magistrate Judge

/

**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING GUILTY
PLEA, AND TAKING RULE 11 PLEA AGREEMENT UNDER ADVISEMENT**

Magistrate Judge Patricia T. Morris conducted a plea hearing upon Defendant Kyle Robert Heney's consent. ECF No. 33. On May 23, 2022, Judge Morris issued her Report and Recommendation, recommending that this Court accept Defendant's guilty plea. ECF No. 35.

Although the Report states that the parties may object to and seek review of the recommendations within 14 days of service, neither Plaintiff nor Defendant filed any objections. Therefore, they have waived their right to appeal Judge Morris's findings that Defendant was competent to enter a plea and that the plea was entered knowingly, voluntarily, without coercion, and with a basis in fact. *See* FED. R. CRIM. P. 11(b); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Judge Morris's Report and Recommendation, ECF No. 35, is **ADOPTED**.

Further, it is **ORDERED** that Defendant's guilty plea is **ACCEPTED**, and the Rule 11 Plea Agreement, ECF No. 33, is **TAKEN UNDER ADVISEMENT**.

Dated: June 14, 2022

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge